

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA)

v.)

YENNIER CAPOTE GONZALEZ)

No. 2:10-cr-00011
JUDGE HAYNES

MOTION FOR A BILL OF PARTICULARS

The accused, Yennier Capote-Gonzalez, respectfully moves for a bill of particulars pursuant to Federal Rule of Criminal Procedure 7(f). The government has charged Capote-Gonzalez in an eight-count indictment but has omitted key factual details of its allegations. When charges are so general that they do not apprise a defendant of the specific acts of which he is accused, a bill of particulars is the appropriate remedy. In the absence of such a remedy, Capote-Gonzalez would not be able to prepare his defense adequately and could face unfair surprise at trial.

Background

The government has indicted Capote-Gonzalez in an eight-count indictment. (D.E. 11, Indictment.) Briefly summarized, the charges are:

- COUNTS 1-5: Submission of Fraudulent Claims
- COUNT 6: Racketeering
- COUNTS 7-8: Aggravated Identity Theft

All counts stem from the accusation that Capote-Gonzalez and others operated Gainesboro Ultimate Med Service Corporation, ("Gainesboro Ultimate") as a scheme intended to defraud health care benefit programs. (D.E. 11 at 4-5.)

OKM sk
This motion
is DENIED
as it would prejudice
to be reviewed
by the
Defendants
new
counsel
See
USDOJ
8-27-12